

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

**IN RE: BENICAR (OLMESARTAN)
PRODUCTS LIABILITY LITIGATION**

* **CIVIL NO. 15-2606 (RBK)(JS)**

* **HON. ROBERT B. KUGLER**

THIS DOCUMENT RELATES TO
ALL ACTIONS

* **HON. JOEL SCHNEIDER**

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CASE MANAGEMENT ORDER NO.

IT IS HEREBY ORDERED, with consent of all Parties, that the Bellwether case selection process shall be follows:

1. All cases filed by December 31, 2015, shall be eligible for the first bellwether case pool.

2. On January 7, 2016, the Court shall randomly select 24 cases on file. These selected cases shall constitute the "Bellwether Pool". Plaintiffs in the Bellwether Pool will have 45 days to serve the complaint if not already served and to serve and or amend and update a completed Plaintiff Fact Sheet and medical records authorizations as required by Case Management Order No. 7.

3. Each side shall strike four cases from the Bellwether Pool. Those cases shall not be replaced, thus leaving a Bellwether Pool of 16 cases.

4. Any Bellwether Pool case which is voluntarily dismissed by the plaintiffs before January 31, 2016, but after the striking process in paragraph 3 will be replaced with another case selected by the Court by random draw from the cases on file with the Court as of that date.

5. Any dismissal of a Bellwether Pool case other than through the strike process in paragraph 2, must be "with prejudice." No "without prejudice" dismissals of a Bellwether Pool case will be permitted.

6. Any Bellwether Pool case which is voluntarily dismissed by the plaintiffs after January 31, 2016, will be replaced by another case selected by the Court by random draw from the cases on file with the Court as of that date. Plaintiffs' counsel shall be responsible for the payment of defense costs and fees in the work up of the case incurred on or after January 7, 2016.

7. From March 15 to September 15, 2016, the parties may depose the plaintiffs and spouse or domestic partner (whether or not a named plaintiff), a prescribing physician, a treating physician and one detail representative who called on the prescribing physician within the five years before the plaintiff's first prescription of an olmesartan product.

8. On September 30, 2016, each side may strike four cases from the Pool. The Court will then randomly select four cases from the remaining eight cases to be the first four trial cases to be tried as individual cases in an order to be determined by the Court, with a discovery plan/order to be entered thereafter.

9. Cases will be tried one after another, with a reasonable interim between trials, in the order of the draw.

Robert B. Kugler, U.S.D.J.